

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

IN RE: BAIR HUGGER FORCED AIR MDL No.: 15-md-02666 (JNE/FLN)
WARMING PRODUCT LIABILITY
LITIGATION

This Document Relates To:

LOUIS E. BELLANDE and
BONNIE L. BELLANDE,

Civil Action No.: 16-CV-02700-JNE-FLN

Plaintiff,

**DECLARATION OF SAMANTHA RODRIGUEZ IN SUPPORT OF
PLAINTIFFS' SUPPLEMENT TO THEIR RESPONSE TO
DEFENDANTS' MOTION TO DISMISS**

I, Samantha Rodriguez, declare as follows:

1. I am an attorney at Kennedy Hodges, LLP and Counsel for Plaintiffs Louis E. Bellande and Bonnie L. Bellande in the above-captioned matter.
2. I submit this declaration in opposition to Defendants' Motion to Dismiss for Failure to Comply with Pretrial Order No. 23 [Dkt. 1323] filed on July 3, 2018.
3. Plaintiffs contacted Kennedy Hodges, LLP in August of 2015 regarding injuries that were allegedly caused by the Bair Hugger patient warming device.
4. Medical records and billing records pertaining to Mr. Bellande's treatment were obtained by Kennedy Hodges through its third party medical records retrieval company. Those records indicated that a Bair Hugger device was used during her initial orthopedic surgery.

5. This case was filed on August 10, 2016 to comply with the statute of limitations deadline.
6. Plaintiffs completed the Plaintiff Fact Sheet on February 6, 2017.
7. Since completion of the PFS, there has been no activity in the individual case or pending deadlines.
8. Plaintiffs case is not a bellwether selection.
9. On January 26, 2018, staff at Kennedy Hodges placed a phone call to Plaintiffs with no answer or returned phone call.
10. On April 17, 2018, Counsel called Plaintiffs and was informed Mr. Bellande passed away on December 22, 2017.
11. As an effort to stay in contact with all firm clients, Kennedy Hodges circulates a monthly newsletter.
12. Plaintiffs' Counsel learned of Mr. Bellande's death more than 90-days after his passing.
13. Plaintiffs' Counsel filed a Suggestion of Death in good faith with the Court on June 15, 2018.

Pursuant to 28 U.S.C. § 1746(2), I declare under penalty of perjury that the foregoing is true and correct.

August 23, 2018

/s/Samantha Rodriguez
Samantha Rodriguez